

Grant County Planning Commission

June 28th, 2004

The June 28 2004 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m. and stated that items 7, 8, 9 and 10 were deleted from the agenda.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, Brooke Rider, Dan Scroggins, Marvin Faulkner, Howard Brewer Jr., William Covington, Attorney: Tom Neinaber Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: MAY MINUTES

Dan Scroggins made a motion to approve the meeting minutes for May, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: MAY FINANCIAL REPORT

Vernon Webster made a motion to approve the May financial report, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Jonathan Britt gave the Commission two proposals for insurance for the Commission. He said that the Commission could decide tonight to accept one of the proposals or to investigate into other companies further.

Dan Scroggins said that the figures looked high and asked if it would be beneficial to the Commission to investigate in a local insurance company that might be able to provide the coverage at a lower cost.

Jonathan Britt said that they could do that or the cost could be billed to each Legislative Body or the 4th quarter municipal contribution could be billed to each Legislative Body. He said that normally the Commission does not ask for the 4th quarter payments.

Vernon Webster said that there was probably enough in the budget to cover the cost and asked if the Commission had time to look further into local companies.

Tom Neinaber said that the Commission is covered until June 30th, 2004. He said that the Commission could take insurance for a couple months from KACO or KLC and then if they decide on another company they could change to that company.

Nick Kinman asked if it was correct that KACO will represent the Commission in a legal issue but will not pay out any money.

Tom Neinaber said that in reviewing their proposal it seems that they will pay out money but that should be confirmed with KACO before the Commission agrees to the policy. He said that the KACO policy offers several coverages and he said that it would be rare to find a local company to write a policy for everything that the Commission needs. He said that the Commission would probably have to have several insurance policies to cover all of the things covered in the KACO policy. He also added that the current policy covers every Commission member no matter who they were appointed by.

Tony Brewer said that it was his understanding that the current policy covers those members appointed by the Fiscal Court but does not cover anyone appointed by another body nor does it cover the staff.

Tom Neinaber said that if someone files a lawsuit before the current policy expires everyone on the Commission and the Commission staff is covered. He said that this Commission is not the only Commission effected by insurance he said that the problem is stated wide because of a large judgment against a City or Commission in the state.

Vernon Webster made a motion to accept the KACO proposal, unless there is something negative found, Dan Scroggins seconded the motion.

Howard Brewer said that he was more comfortable with Mr. Neinaber doing the negotiations.

Tom Neinaber said that he would assist Jonathan with the talks with KACO he wanted it on the record that he does represent various Cities and Commission for KACO.

A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 4: ZONING ORDINANCE UPDATE- CITY OF DRY RIDGE - CONT.

John Lawrence declared the public hearing open.

Mike Mulvey, City Attorney and Mayor Bill Cull were present to answer any questions.

Dan Scroggins asked if the City was still planning to change the Ordinance if the Commission recommended that they approve this version.

Mr. Mulvey said that they were going to change the Ordinance before it was adopted by the City.

Dan Scroggins said that he did not like that this version was presented for approval and the City was going to change it before they adopted it.

Mr. Mulvey said that he was advised by City Council that the proposed document was not right and he was advised by the Commission's Administrator to go ahead with what was presented and make the changes before the City adopts it.

Jonathan Britt stated that the reason to go ahead with the proposed Ordinance was because they could not make the changes to the Ordinance that was not adopted.

Jonathan Britt said that the proposed Ordinance was written based on the Comprehensive Plan and he said that he is planning to attend the City meeting and express why they should not change the proposed Ordinance. He said that it would take a majority of the City Council to change the Ordinance and if some of the Council members do not want to change it then they may end up adopting the proposed Ordinance as it is.

Mr. Mulvey stated that their request is that the Commission forwards to them the Ordinance with the knowledge that it may be changed.

Jonathan Britt said that he would encourage the Commissioners to go to the City meeting and encourage the Council not to change the version that was forwarded to them by the Commission.

Mayor Cull said that what they would adopt was almost the same and the version that the Planning Commission was going to send them; he said that the changes would come in Article 10. He said that they wanted to reduce the number of Residential Zones.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Vernon Webster said that the Ordinance that the City was using now was passed in 1982 and was more out of date than what the Commission was going to send them.

Jonathan Britt reminded the Commission that the Ordinance update consists of the Text and the Zoning Map. He said that the Zoning Map that was presented at the first public hearing would be forwarded along with the proposed Ordinance if the Commission decided to forward the Ordinance to the City.

Howard Brewer Jr. said that in the past the Commission has made recommendations to the City of Crittenden and they had the right to change the recommendations and they did change the recommendation. He said that if Crittenden has the right the change something why wouldn't Dry Ridge have the same right.

Jonathan Britt said that every Legislative Body has the right but the question is, is it right the change the recommendation.

Nick Kinman made a motion to forward the proposed Zoning Ordinance to the City of Dry Ridge, Howard Brewer Jr. seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Brooke Rider: yes, Dan Scroggins: no, Marvin Faulkner: yes, Howard Brewer Jr.: yes,. Motion passes.

ITEM 5: ZONE CHANGE - GRANT COUNTY REALTY

APPLICANT: Grant County Realty

GENERAL LOCATION: An approximate 0.14 acre area located on the south side of Taft Highway, west of Ellen Kay Drive

REQUEST: Residential - Two (R-2) to Residential - Four (R-4)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

June 28th, 2004

Jerry Keith, representing the applicant, stated that the property was 0.14 acres located on Taft Highway just west of Ellen Kay Drive. He said that there is an existing 6 unit apartment building on the lot next to this property and that Grant County Realty owns that building, the lot next to the building and this 0.14 acres. He said that Mr. Spears purchased the 0.14 acres, in the late 1980s, to attach to the vacant lot with the intentions of constructing a 6 unit building on the property. He said that the 0.14 acres is to be attached to the existing lot in order to meet the square footage requirement that is needed to build a 6 unit apartment building. He said that the vacant lot and the lot with the 6 unit building is currently zoned R4 and the 0.14 acres tract is zoned R2.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan Britt asked what size building could be build on the property with the current zoning and square footage.

Mr. Keith stated that a 4 unit building could be built on the property.

Jonathan Britt read the staff recommendation, which was denial of such zone change request since no evidence has been provided to this office to suggest that the existing zoning classification is inappropriate. Findings of Fact: 1. the lot that currently exists has enough square footage to place a four family home on the lot and the additional 0.14 acre could be and should be used for recreational areas or green space. 2. the properties that almost completely surround the proposed lot are zoned Residential-Two (R2). 3. with the proposal to re-do the existing Dry Ridge Zoning Ordinance, that does not contain a Residential-Four (R4) zoning classification, this office feels that it may cause a non-conforming situation for the applicant. This non-conforming situation may prohibit any development on this 0.14 acre lot.

Vernon Webster asked if it was correct that there was a 15 ft. area between the parking and the buffer.

Mr. Keith said that with the zone change the building could be moved towards the West and keep a green area and move the parking to the rear of the lot.

Vernon Webster asked if there would be buffer for lot 12.

Mr. Keith said that there would be, he said that it would be shown in the site plan.

Mr. Spears said that when he purchased the property he paid a high price for it and put in pine trees that are now taller than the existing building, at the request of the owner who lived in the home next to the apartment buildings. He said that he had always intended that there be a 6 unit apartment building on the property and it would be useless if they couldn't attach the property to the lot and build a 6 unit building.

Jonathan Britt stated that the property would not be useless; he said that a 4 unit building could be built on the property and this 0.14 acres could be for recreation or green space.

Howard Brewer Jr., asked if Mr. Spears was in agreement to build a 4 family building on the property.

Mr. Spears said that he was not. He said that he bought the land to put a 6 family building on and he is asking for the zone change. He said that if the zone change is not approved he cannot use the land for anything.

Dan Scroggins asked if the vacant lot that this property was going to be attached was zoned R4.

Mr. Keith stated that it was.

Jonathan Britt said that the property to the East of this land was zoned R2 and the property to the West was zoned R4.

Vernon Webster stated that by denying this request it would cause the 2 apartments buildings to be jammed up together.

Jonathan Britt said that the building would have to meet the required setbacks and there could only be a 4 family building constructed on the lot.

John Lawrence asked what could be built on the 0.14 acres by itself.

Jonathan Britt stated that nothing could be built on the lot.

Nick Kinman made a motion to approve the request based on the finding that the existing zoning classification is inappropriate, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: CROWN POINT - PRELIMINARY PLAT - CONT.

John Lawrence read a letter from the City of Williamstown stating that sanitary sewer was not available to the land.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Dan Scroggins made a motion to approve the plat, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: CONVEYANCE PLATS - MAY

William Covington made a motion to approve the Conveyances for May, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 12: EXECUTIVE SESSION

Nick Kinman made a motion to go into executive session to discuss personnel, Howard Brewer Jr. seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Dan Scroggins made a motion to come out of executive session, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Vernon Webster made a motion to raise Jonathan Britt's salary by 5% effective July 1, 2004, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Vernon Webster made a motion to raise Becky Ruholl's salary by 5% effective July 1, 2004, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Dan Scroggins made a motion to raise the Commissioners pay to \$75.00 per meeting effective July 1, 2004, William Covington seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Brooke Rider: yes, Dan Scroggins: yes, Marvin Faulkner: yes, Howard Brewer Jr.: abstained, William Covington: yes. Abstained vote counts with majority. Motion passes.

ITEM 13: OTHER BUSINESS

John Lawrence stated that a committee needed to be formed to nominate officers at the next regular meeting. The members on the committee will be: Brooke Rider, Dan Scroggins and William Covington.

ITEM 14: ADJOURNMENT

Marvin Faulkner made a motion to adjourn, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

June 28th, 2004